

Appl. No. 09/872,635  
Amendment/Response to Office Action

Docket No. 85804-019700

### REMARKS

The present application has been reviewed in light of the Office Action dated July 13, 2005. Claims 1 to 15 and 17 to 29 are the pending claims, of which Claims 1, 15 and 19, the independent claims, are being amended. Claim 29 is being added. Reconsideration and further examination are respectfully requested.

By the Office Action, Claims 1 to 15 and 17 to 28 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,279,001 (DeBetencourt). Reconsideration and withdrawal of the rejection are respectfully requested.

Turning to the specific language of the claims, Claim 1 recites a method of delivering content from a plurality of sources to a plurality of end servers through a central manager. According to the method, content is received from the plurality of sources at the central manager, and is formatted into a form usable by the plurality of end servers. A transaction is created and sent to an end server in a plurality of end servers. The transaction, which is generic to the plurality of end servers and identifies a set of instructions for storing the formatted content, allows the end server to execute the set of identified instructions if the formatted content is desired by the end server, the set of instructions storing the formatted content into the memory of the end server.

The applied art, namely DeBetencourt, fails to teach or to suggest the claimed invention, particularly as regards creating a transaction generic to a plurality of end servers, which identifies a set of instructions for storing content formatted to a form usable by the plurality of end servers, and which is sent to an end server to allow the end server to execute the set of identified instructions to store the formatted content into the memory of the end server.

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DeBetencourt describes a system for load-balancing web page traffic. More particularly, the system gathers data on web page requests, determines the status of web servers, and directs web page requests to available web servers, which serve web pages in response to web page requests. More particularly, at col. 2, lines 1 to 4 and col. 5, line 58 to col. 6, line 43, DeBetencourt describes that the system monitors web page requests, and collects and stores information about the web page requests and system components, and monitors the status of each web server. The stored information referred to in the cited portions of DeBetencourt is load-balancing and status information used to monitor web server status and to balance the load amongst the available web servers. The load-balancing and status information stored by DeBetencourt is not the same as content formatted to a form usable by a plurality of end servers. In addition, nothing in the cited portion of DeBetencourt teach or discloses a method of delivering content which includes creating a transaction generic to a plurality of end servers, the transaction identifying a set of instructions for storing content formatted to a form usable by the plurality of end servers, the set of instructions are sent to an end server to allow the end server to execute the set of identified instructions to store the formatted content into the memory of the end server.

At col. 4, lines 19 to 54, DeBetencourt states that a web page is a data file that includes computer-executable or interpretable information that can be displayed, executed or stored. A web page is not a transaction that is created and identifies instructions for storing content formatted from content received by a central manager from a plurality of end servers. The Office Action also cites DeBetencourt at col. 4, lines 37 to 40, which describes HTTP as a protocol used to request web pages. However, HTTP is a protocol, which is not the same content formatted so as to be usable by a plurality of end servers. In addition, the HTTP protocol can not

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be said to be the same as a transaction that is created and identifies instructions for storing content formatted from content received by a central manager from a plurality of end servers. Nothing in DeBetencourt teaches, suggests or describes a method of delivering content from a plurality of sources to a plurality of end servers through a central manager, the central manager receiving content from a plurality of sources, the received content is formatted into a form generic to a plurality of end servers, and creating a transaction generic to the plurality of end servers, which identifies a set of instructions for storing the formatted content formatted in memory of an end server, to which the transaction is sent.

In view of the above discussion, DeBetencourt fails to teach, suggest or disclose each and every one of the elements claimed in Claim 1. Accordingly, since DeBetencourt is missing multiple elements of the claim, DeBetencourt can not be relied upon as an anticipatory reference, nor can it form the basis of a satisfactory obviousness rejection.

Claims 15 recites a method of delivering content from a plurality of sources to a plurality of end servers through a central server. A first content is received from a first source, and second content, which is in a different format from the first content, is received from a second source. The first and second content are formatted. A first transaction including the first formatted content and a second transaction including the second formatted are created. The first and second transactions, which are sent to an end server, have the same format and allow the end server to execute a first set of instructions associated with the first transactions to store the first content if the first content is desired, and to execute a second set of instructions associated with the second transaction to store the second content if the second content is desired.

Nothing in DeBetencourt teaches or suggests receiving first content and second content, which differs in format from the first content, formatting the received content, creating a first

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transaction including the first formatted content and a second transaction including the second formatted content, such that both the first and second transactions have the same format. In addition, in view of the above discussion, nothing in DeBetencourt describes sending the first and second transactions to an end server, so as to allow the end server to execute a first set of instructions associated with the first transactions to store the first content if the first content is desired, and to execute a second set of instructions associated with the second transaction to store the second content if the second content is desired.

Debetencourt therefore fails to teach, suggest or disclose each and every one of the elements recited in Claim 15. Accordingly, since DeBetencourt is missing multiple elements of the claim, DeBetencourt can not be relied upon as an anticipatory reference, nor can it form the basis of a satisfactory obviousness rejection.

The other claims are each dependent from the independent claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In this regard, new Claim 29 has the added feature of a transaction according to Claim 1, which includes content-identifying information.

As discussed above, DeBetencourt fails to teach or suggest the transaction which identifies a set of instructions for storing content, as recited in Claim 1. In addition, DeBetencourt fails to teach or suggest such a transaction which includes content-identifying information.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

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The Applicant respectfully requests that a timely Notice of Allowance therefore be issued in this case. Should matters remain which the Examiner believes could be resolved in a further telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.

In this regard, Applicant's undersigned attorney may be reached by phone in California (Pacific Standard Time) at (714) 708-6500. All correspondence should continue to be directed to the below-listed address.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-2638. Please ensure that the Attorney Docket Number is referred when charging any payments or credits for this case.

Respectfully submitted,

Date: October 13, 2005

  
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